

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

THE DRISCOLL FIRM, P.C., and THE DRISCOLL FIRM, LLC,)	
)	
)	
Plaintiffs,)	Case No. 1:22-cv-01536
)	
vs.)	
)	Hon. J. Marvin E. Aspen
FEDERAL CITY LAW GROUP, PLLC, BERT “TERRY” DUNKEN, GREG GRIFFIN, and ACAP, LLC,)	
)	Hon. Mag. J. Jeffrey Cummings
)	
Defendants.)	

FEDERAL CITY LAW GROUP, PLLC,)	
)	
)	
Counter-Plaintiff,)	
)	
vs.)	
)	
THE DRISCOLL FIRM, LLC,)	
)	
Counter-Defendant.)	

SECOND UNOPPOSED MOTION FOR EXTENSION OF BRIEFING SCHEDULE

Defendant/Counter-Plaintiff Federal City Law Group, PLLC, and Defendants Bert “Terry” Dunken, Greg Griffin, and ACAP, LLC (together “Defendants/Counter-Plaintiff”) respectfully request that this Court further extend the briefing schedule set with respect to the Motion to Dismiss Counterclaim filed by Plaintiff/Counter-Defendant The Driscoll Firm, LLC (“Driscoll”), given the continuation of settlement conference proceedings before Hon. Mag. J. Jeffrey Cummings – which requested extension is unopposed by Driscoll. In further support of this motion, Defendants/Counter-Plaintiff state as follows:

Procedural Posture

1. On April 27, 2023, Defendants/Counter-Plaintiff filed a Motion for Referral to Magistrate Judge for Settlement Conference, which requested that the Court enter an order to (i) refer this matter to the assigned Magistrate Judge, Hon. Mag. J. Jeffrey Cummings for a settlement conference, and (ii) defer setting a case management schedule (and stay any pending discovery deadlines) until after completion of this settlement conference. (Dkt. No. 39.)

2. On May 9, 2023, the Court granted the motion for referral in part, and entered an order referring this action to Mag. J. Cummings to determine whether a settlement conference is appropriate, and for discovery supervision. (Dkt. Nos. 43-44.) Following submission of a joint status report by the parties, Mag. J. Cummings entered an order scheduling a settlement conference for this action to be held on August 30, 2023 at 1:00 p.m., and set certain pre-conference deadlines for the exchange of settlement demand and settlement offer letters. (Dkt. Nos. 46-47, 49.)

3. Subsequent to the scheduling of this settlement conference, on May 31, 2023, Counter-Defendant Driscoll filed a Motion to Dismiss Counterclaim (Dkt. No. 52).¹ The Court set an initial briefing schedule on the Motion to Dismiss Counterclaim. (Dkt. No. 53.)

4. On June 20, 2023, Defendants/Counter-Plaintiff filed an unopposed Motion for Extension of Briefing Schedule (Dkt. No. 54) to extend the briefing schedule for the Motion to Dismiss Counterclaim until after the completion of the settlement conference. The motion was granted on June 21, 2023 (Dkt. No. 55), setting the response to the Motion to Dismiss Counterclaim to be due by September 20, 2023, and the reply to be due by October 4, 2023.

5. On August 30, 2023, the parties participated in a settlement conference before Hon. Mag. J. Jeffrey Cummings. During the settlement conference, with the guidance and

¹ Counter-Defendant Driscoll requested, and the Court granted, a request to extend the deadline for filings of its responsive pleading to the Counterclaim to June 1, 2023. (Dkt. No. 45.)

approval of Mag. J. Cummings, the parties reached agreement on a procedure to continue the settlement discussions, including for purposes of potentially holding a further settlement conference with Mag. J. Cummings. The Court thereafter entered a minute entry order that gave the parties instructions regarding deadlines for the exchange of certain settlement materials, and ordered the parties to file a joint status report on September 22, 2023 addressing whether the parties believe a follow-up settlement conference would be productive, and, if not, proposing a schedule for the completion of fact and expert discovery. (Dkt. No. 58).

ARGUMENT

In light of the upcoming exchange of further information, ongoing settlement discussions continuing through at least September 22, 2023, and the potential for scheduling a further settlement conference before Mag. J. Cummings, Defendants/Counter-Plaintiff request that the briefing schedule entered by the Court with respect to Driscoll's Motion to Dismiss Counterclaim be extended until after completion of these settlement discussions – with commensurate dates to be set for (i) response to be filed on or before 21 days after the completion of the settlement discussions,² (ii) reply to be filed on or before 14 days later, and (iii) status hearing, if applicable, to be set for a date at the Court's convenience.

In support of this request, Defendants/Counter-Plaintiff notes that this extension will avoid the potentially unnecessary expenditure of resources by both the parties in briefing the pending motion while continuing to work towards settlement (as well as avoid the potentially unnecessary expenditure of resources by the Court in reviewing and possibly ruling on this motion before a second settlement conference is scheduled). Accordingly, this motion has been

² At the earliest, the response could be due 21 days after September 22, 2023, in the event that the parties state in their joint status report that they do not believe another settlement conference would be fruitful. Alternatively, if a second settlement conference is scheduled, then the response could be due 21 days after the date for which it is scheduled.

filed in order to allow the parties and this Court to conserve resources while the parties continue to pursue resolution.

For these reasons, Defendants/Counter-Plaintiff states good cause exists for the extension requested herein, and that this motion is made in good faith and not for the purposes of delay, and shall not prejudice any party. To this end, Defendants/Counter-Plaintiff further note that the parties have conferred with respect to this request, and Driscoll **does not oppose** this requested extension.

CONCLUSION

For the reasons set forth herein, Defendant/Counter-Plaintiff Federal City Law Group, PLLC, and Defendants Bert “Terry” Dunken, Greg Griffin, and ACAP, LLC respectfully request that the Court enter an order extending the briefing schedule for Driscoll’s Motion to Dismiss Counterclaim as follows: (i) response to be filed on or before 21 days after the completion of the settlement discussions (September 22, 2023 at the earliest, or, in the event a second settlement conference is scheduled, after the second settlement conference), (ii) reply to be filed on or before 14 days later, and (iii) status hearing, if applicable, to be set for a date at the Court’s convenience.

Dated: September 6, 2023

Respectfully submitted,

BY: /s/ Erik J. Ives

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on September 6, 2023, he caused the foregoing document to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the Court's CM/ECF system, which is also served upon counsel for all parties of record.

/s/ Erik J. Ives

Erik J. Ives